



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** September 30, 2015

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Jillian M. Harris, AICP, Planning & Zoning Administrator

**Subject:** **Crosswoods Path III, LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a waiver of full site plan review for a conversion of an approximately 20,000 sf. office building to up to a 21 unit multi-family residential dwelling units within the C-2 (General Commercial) and PUD Overlay and Aquifer Conservation Districts. The parcel is located at 1 Crosswoods Path Boulevard. Tax Map 7E, Lot 046-053.

**Background:** As the Board may recall, the applicant appeared before the Planning Board on August 20, 2013 and again on July 7, 2015 to discuss this project in pre-submission hearings. The applicant has attempted to find commercial tenants for the building, but has been unsuccessful. He is returning to the Board again to discuss final approval of an application for a waiver of full site plan review to convert the building to multi-family residential. Please refer to the July 7, 2015 memo and minutes (in your packets) for a refresher on the background and various points of discussion and direction given by the Board.

The applicant has indicated that there will be no site changes and only the addition of porches to the exterior of the building. On August 26, 2015, the applicant was granted a variance under Section 15.04(B) & Table I of the Zoning Ordinance to permit up to 21 multifamily residential units on a lot containing 83,397 s.f. whereas between 130,680 and 152,460 s.f. is required (depending on the mix of 1 & 2 bedroom units).

**Completeness:** Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

**Waivers:** In addition to the waiver of a full site plan review, the Board may want to consider a sidewalk waiver per Section 7.05(D)(19) of the Subdivision and Site Plan Regulations, or a determination that it is not necessary.

**Recommendation:** Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 647:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans to be signed by the Property Owner;
2. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
3. Applicant to submit updated NHDOT Driveway Permit to the Community Development Department for the file;
4. Applicant to address any forthcoming comments from the Building Department;
5. Applicant to address any forthcoming comments from the Fire Department;
6. Applicant to address any forthcoming comments from Merrimack Village District;
7. Applicant to address any forthcoming comments from the Public Works Department;
8. The applicant shall address the following planning staff technical comments. (Below)

**Planning Staff Technical Comments**

1. Applicant to type notes for legibility;
2. Applicant to add address of parcel to Note 1;
3. Applicant to white out prior site plan notes that are no longer applicable in bottom right corner;
4. Applicant to modify "Proposed Office Building" notation to "Proposed Multi-family Residential Building";

Cc: File  
Correspondence

Ec: Crosswoods Path III/Jerry Levin  
Fred Kelley, Building Official, Building Division  
Carol Miner, Secretary, Building Division  
John Manuele, Captain, Fire Department  
Jim Taylor, Assistant Director, Public Works/Wastewater Division  
Ken Conaty, Sewer Collections Manager, Public Works/Wastewater Division  
Ron Miner, Superintendent, Merrimack Village District